

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2002, Work Session**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Courthouse Security; Transition from Contractual Coverage to coverage by the Sheriff's Department**

RECOMMENDATION: Approve the transition from contractual courthouse security to coverage provided by the Sheriff's Department.

SUMMARY: State Code provides that the local Sheriff is responsible for courthouse and courtroom security. For the past several years, the City has, with the Sheriff's consent, contracted out security for the entrances to the General District and Juvenile and Domestic Relations Courts. It is my understanding that this was done because the State Compensation Board does not provide adequate funding to allow the Sheriff's Department to provide courthouse and courtroom security services to a standard acceptable to the judiciary. Annual City costs for contractual security services are approximately \$85,000 and have been provided in the annual budget. The Sheriff has requested that the City terminate its contract for security services with the Wackenhut Corporation (with appropriate notice) and has proposed to provide the security through his department by hiring retired Deputy Sheriffs.

The Sheriff notes in the attached letter that he believes he can provide better service with part-time Deputy Sheriffs at the same cost to the City as the current contractual arrangement with Wackenhut. The attached letter dated June 5, 2002 delineates the Sheriff's reasoning for making this transition.

This matter is being brought to Council for two reasons. First, the contract for private security services is between the City and Wackenhut. The Sheriff is not a party. Accordingly, the City will need to initiate termination of the contract which merely requires 60 day notice. Second, the \$85,000 provided in the budget for courthouse security is 100% local money. While I have no objection to the Sheriff's proposal, I believe that Council should authorize the change in use of local funds from a contractual arrangement to an increased subsidy for personnel costs in the Sheriff's Department.

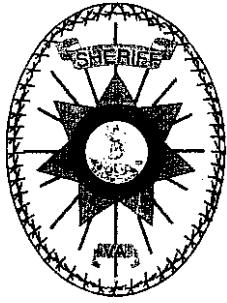
PRIOR ACTION(S): None

BUDGET IMPACT: None

CONTACT(S):): Sheriff Ron Gillispie 847.1301
Major Donald T. Sloan 847.1301

ATTACHMENT(S):

Letter from Sheriff to City Manager dated May 30, 2002
Letter from City Manager to Sheriff dated June 4, 2002
Letter from Sheriff to City Manager dated June 5, 2002



Lynchburg Sheriff's Office

907 Clay Street (24504)
P.O. Box 217
Lynchburg, Virginia 24505

Ronald L. Gillispie
Sheriff

Donald T. Sloan
Chief Deputy



May 30, 2002

Mr. Kimball Payne, City Manager
City Hall Building
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Payne: *Kim*

Attached you will find a copy of the Code of Virginia 53.1- 120 which has been amended and reenacted effective July 1, 2002, which Judge Harris recently brought to my attention. It is clear from the reading of this code that the courthouse security will need to be handled by deputies instead of the contract security. The Sheriff's Office goal has been to take this aspect of security over utilizing part-time deputies and fund it with the monies already allocated for contract security. In order for us to comply with this law the Sheriffs Office will need to utilize the entire \$85,000.00 allocated for contractual security to cover the three courthouse facilities. Due to the number of court sessions and late sessions at J & D and Circuit Court this amount may have to be increased in the following budgetary process. Below I have an estimate of the hours worked and costs associated with covering courthouse security with part-time deputies., These hours are based upon the time court sessions begin and end each day.

Juvenile & Domestic Relations Court

0730 – 1700 (Monday – Friday)

- ☆ 9.5 hours per day x 5 days = 47.5 hours per week x 50 weeks = 2,375 hours
- ☆ 2,375 hours x \$12.50 per hour = **\$29,687.50**
- ☆ 7.5 hours overtime per week x 50 weeks = 375 hours overtime
- ☆ In 2001 the Sheriffs Office worked 420 hours overtime for J & D Court.

General District Court

0800 – 1700 (Monday – Friday)

- ☆ 8.5 hours per day x 5 days = 42.5 hours per week x 50 weeks = 2,125 hours
- ☆ 2,125 hours x \$12.50 per hour = **\$26,562.50**
- ☆ 2.5 hours overtime per week x 50 weeks = 125 hours overtime
- ☆ In 2001 the Sheriffs Office worked 4 hours overtime

Circuit Court

0800 – 1700 (Monday – Friday)

- ☆ 8.5 hours per day x 5 days = 42.5 hours per week x 50 weeks = 2,125 hours
- ☆ 2,125 hours x \$12.50 per hour = **\$26,562.50**
- ☆ 2.5 hours overtime per week x 50 weeks = 125 hours overtime
- ☆ In 2001 the Sheriffs Office worked 100 hours overtime

Costs for security coverage of all three courthouses **\$82,812.50**

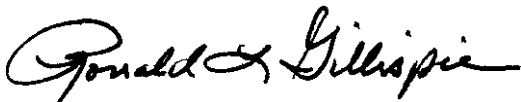
Additional costs related to hiring part-time deputies for training academy, re-training and equipping.

- ☆ 6 - 8 part-time deputies @ \$200.00 per deputy = **\$1,200.00 - \$1,600.00**
- ☆ 200 hours of retraining (24+ hours x 8) = **\$2,000.00 - \$3,000.00**
- ☆ Uniforms – covered in office budget (used)
- ☆ Firearms/duty gear – covered in office budget (used)
- ☆ Radio's – covered in office budget (used)

Total costs for deputies covering all three courthouses **\$86,012.50**

The Sheriffs Office will stay with-in the \$85,000.00 allocated for courthouse security and any overages will be covered by current year budgetary allocations,.
Captain Carter contacted Walter Erwin concerning this code section for his review and legal opinion. I look forward to discussing this situation with you and making the necessary changes by July 1, 2002 according to this code.

Sincerely,



Ronald L. Gillispie
Sheriff

RLG/ds

CC: Judge Perrow; Judge Mosby; Judge Serkes; Judge Harris; File

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER,

2 *An Act to amend and reenact § 53.1-120 of the Code of Virginia relating to courthouse and*
3 *courtroom security.*

4 [H 540]

5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

8 § 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for
9 such purpose; assessment.

10 A. Each sheriff shall ~~designate deputies who shall~~ ensure that the courthouses and courtrooms
11 within his jurisdiction are secure from violence and disruption **and shall designate deputies fir this**
12 ~~purpose~~. A list of such designations shall be forwarded to the Director of the Department of Criminal
13 Justice Services.

14 B. ~~The~~ chief circuit court judge, the chief general district court judge and the chief juvenile and
15 domestic relations district court judge shall be responsible by agreement with the sheriff of the
16 jurisdiction for the designation of courtroom security deputies for their **respective** courts. If the
17 respective chief judges and sheriff are unable to agree on the number, type and working schedules of
18 courtroom security deputies for the court, the matter shall be referred to the Compensation Board for
19 resolution in accordance with existing budgeted funds and personnel.

20 C. The sheriff shall have the sole responsibility for the identity of the deputies designated for
21 courtroom security.



The City of Lynchburg, Virginia

MEMORANDUM

TO: Sheriff Ronald L. Gillispie

FROM: L. Kimball Payne, III, City Manager

DATE: June 4, 2002

SUBJ: Courthouse Security

This is in response to your letter of May 30 proposing that the City terminate its contract with Wackenhut Corporation and that your office take over courthouse security utilizing funds budgeted for the private service. You have indicated that an amount of \$85,000 was budgeted for this purpose. While I have no philosophical issue whatsoever with your proposal, I doubt that it could be placed into effect by July 1st. Allow me to offer the following points, some of which would need to be addressed before the transfer of responsibility.

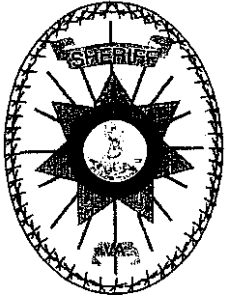
- With all due respect, I do not see how the amendment made to the State Code materially changes the statutory requirement that the Sheriff provide for courthouse and courtroom security. I have asked the City Attorney how the City justified hiring a private security company in the first place and he has advised that Section 53.1-120 of the State Code was interpreted as allowing the Sheriff to agree to such an arrangement. He concurs that the recent amendment would not change that interpretation. That said, I acknowledge your right to withdraw your approval of the current arrangement.
- The City's contract with Wackenhut Corporation allows for either party to terminate for convenience. It requires, however, sixty (60) days notice. There would not be funds available for you to take over security until after the City satisfied its obligations to Wackenhut.
- If you could take over security on July 1, would you have enough adequately trained part-time deputies to do so? You have indicated the need for training in your letter but there was no indication of how long the training would take.
- You have demonstrated how the \$85,000 could be used to cover the costs associated during normal working hours. You also indicated that there could be as many as 625 hours of overtime. At the time-and-a-

half rate of \$18.75/hour, that would require an additional \$11,718.75.
What would be the source of those funds?

- . This matter will have to be taken to City Council for approval since the \$85,000 is purely City money that has been designated to supplement funds provided by the Compensation Board for your office. I am unaware of any statutory requirement that the City Council approve such additional funding.
- . Will you be seeking additional funding from the Compensation Board for this purpose?
- . Have you considered how the \$38,000 in revenue anticipated from the new \$5 fee recently imposed by Council might be used? The enabling legislation that provides for the fee requires that it be spent on courthouse security.

I suggest that we plan on taking this matter to City Council on June 25. I will be out of the office from June 7 until June 17 but will be glad to discuss this with you upon my return. Alternately, you could discuss the matter with Deputy City Manager Bonnie Svrcek.

CC: Judge Perrow
Judge Mosby
Judge Serkes
Judge Burnett
Judge Harris
Walter Erwin
Bonnie Svrcek



Lynchburg Sheriff's Office

907 Clay Street (24504)
P.O. Box 217
Lynchburg, Virginia 24505

Ronald L. Gillispie
Sheriff

Donald T. Sloan
Chief Deputy



MEMORANDUM

TO: L. Kimball Payne, III, City Manager

FROM: Sheriff Ronald L. Gillispie *RUG*

DATE: June 5, 2002

SUBJECT: Courthouse Security

RECEIVED

JUN 12 2002

100-2-25

Thank you for your timely response to my letter concerning this very important issue. I also appreciate you returning my phone call on Wednesday June 5, 2002. I agree that implementing the security transfer by July 1, 2002 would be very difficult to accomplish. The biggest issue, as I have mentioned to you in earlier letters, is the lack of resources and funds necessary to handle these additional duties within the Sheriffs Office. I desire, as Sheriff, to work together for the greater good and safety of our citizens and judges we serve. The \$85,000.00 that I was soeakine of is the current monies allocated for Wackenhut Security, which the city has been providing prior to my election as Sheriff and since November 1997. It makes sense to me that the Sheriffs Office be allowed to use this \$85,000.00 (*when* and *if* the Wackenhut contract is terminated) to hire retired deputies to handle this security. Let me give you some of the reasons why I feel this is a better use of that money. I believe that with certified deputies we can provide **more** qualified service and security for the courthouses.

★ These deputies that retired from the Lynchburg Sheriffs Office know the structure and procedures of our courtrooms and judges. They are familiar with the operations of this office.

★ These deputies would be academy trained, state certified and sworn.

★ These deputies would be in Sheriffs Office Uniforms

★ These deputies would be armed

*These deputies would have radio communications with our dispatch and other deputies working in the courtrooms.

- ★ These deputies would follow Sheriffs **Office** general orders and would be subject to the command staff of the Sheriffs **Office**.
- ★ These deputies would meet Sheriffs Office standards and would work at the pleasure of the Sheriff.
- ★ There would be a consistency in services provided in each courthouse.

Now I would like to address your concerns you noted in your memo dated June 4, 2002.

- ★ It is not that I am looking to withdraw my approval but that I feel the Sheriffs Office could do a more qualified and competent job of security for the courthouses with the \$85,000.00 being currently spent. As I have mentioned to you and city council the Sheriffs **Office** is working at full capacity at this time. With the **additional** duties of “out of town” TDO’s there is nothing else we can assume without additional manpower or monies.
- ★ The Sheriffs **Office** would comply with whatever time the city needed to satisfy their obligation to Wackenhut in order to fund the courthouse deputies **from** these monies.
- ★ Yes, the deputies we are looking at are either certified police **officers** or certified deputies/jailers. These individuals are either retired or looking for part-time work. The training I spoke of involved their re-training which is required every 2 years. Jail certified training is 2 days re-training every two years and law enforcement certified training is 5 days re-training every two years. I have several retired deputies from the Lynchburg Sheriffs Office who are interested in coming back to work this duty station if the Sheriffs Office is allowed to take it over and compensate them.
- ★ The overtime that is currently generated by J & D Court, 420 *hours*; Circuit Court, 100 *hours* and General District Court 4 hours (2001 ***totals***) would have to be covered by courthouse security as well. The idea of hiring part-time deputies was to hire enough deputies to cover **these** duty stations without overtime. Two part-time deputies would cover one duty station in order to eliminate overtime. ‘The part-time deputy’s hours would be monitored weekly and monthly to ensure they were not working overtime. Other part-time deputies would be hired to fill-in for time off, sick time and courthouse security problems. If there were any monies available from the \$5.00 fee bill these could be used sparingly to cover any unusual overtime.
- ★ I have recently spoken with Mr. Jim Matthews of the State Compensation Board and he has made it quite clear that there will not be any additional funding or positions for courthouse security.
- *I am currently looking at replacing the three walk through magnetometers in al courthouse facilities. The newest magnetometer was placed in J & D Court in 1991

These facilities need to have current technology in place. The cost of these is approximately **\$5,000.00** each. The Circuit Court Judges have also asked us to look at getting video cameras for the hallways. I am also looking at an **X-Ray** machine for Circuit Court. All of these items are on our wish list, but are dependent upon monies available from code section 53.1-120 subsection D.

Any overtime for courthouse and courtroom security may be covered if monies are available from this \$5.00 fee.

Some of **this** fee could be utilized to offset the **\$85,000.00** cost to the city for courthouse security.

This fee also has an expiration date attached to it of July 1, 2004.

The June 25" council meeting you spoke of concerning our presentation to council is a g r e e a b l e - I am scheduled to be out of the **office** on June 22 through June 30, 2002. However, if I am in town I will attend this meeting at **the** time you specify. If I am out of town Major Sloan and Captain Carter will handle **this** meeting with you and are fully prepared to speak on this issue.